

Lewis County Planning Commission **Workshop**

Lewis County Courthouse
Commissioners' Hearing Room – 2nd Floor
351 NW North St – Chehalis, WA

February 10, 2015 - Meeting Notes

Planning Commissioners Present: Russ Prior, District 3; Bob Guenther, District 3; Sue Rosbach, District 2; Mike Mahoney, District 1; Richard Tausch, District 2; Leslie Myers, District 1

Staff Present: Lee Napier, Glenn Carter, Bill Teitzel, Pat Anderson

Others Present: Please see sign in sheet

Handouts/Materials Used:

- Agenda
- Meeting Notes from January 27, 2015
- Letter of Transmittal

1. Call to order

Chairman Mahoney called the meeting to order at 6:03 p.m. The Commissioners introduced themselves.

2. Approval of Agenda

The agenda was approved as presented.

3. Approval of Meeting Notes

Commissioner Prior made a motion to approve the meeting notes from January 27, 2015; Commissioner Tausch seconded. The meeting notes were approved as presented.

4. New Business

Ms. Napier, Director of Community Development, stated she would be addressing the items on tonight's agenda and that Patrick Babineau has left Lewis County, taking a new position with the Department of Transportation. Lewis County will be looking for a new long range planner, or a combination of current planner/long range planner. Some issues may be contracted out. Ms. Napier asked for suggestions from the Commissioners as to how to improve on the position and the Department's service to the Commission.

A. Notice of Schedule for Comprehensive Plan Amendments

Ms. Napier stated that in the fall people can submit rezone changes to the planning staff. Those requests are accepted from September through December for the 2016 year. Staff did not receive any rezone requests for the 2015 calendar year. The Comprehensive Plan amendments this year will not include any rezone requests. The County may see something from the Birchfield Fully Contained Community, if they met their conditions of approval from the Hearing Examiner and wish to move forward. The Planning Commission will be hosting the Public Works Department six year transportation improvement plan. This is a component of the comp plan; the last update to the comp plan allows

adoption by reference the Public Works' current plan. The Planning Commission may venture into the 2017 comp plan in 2015.

5. Old Business

A. Letter of Transmittal for Recreational Marijuana Land Use

Chair Mahoney stated the Commissioners received a packet that includes the Letter of Transmittal and its attachments. He asked Ms. Napier if she had anything to add.

Ms. Napier wanted to ensure that all of the comments had been captured. Exhibit 4 in the Letter of Transmittal is the code section, Title 17. Page 3, 17.75.037 speaks to uses in Rural Area Industrial (RAI). This had been a subject of conversation at previous meetings and whether or not Type 2 should be allowed in the RAI zone. Ms. Napier stated the RAI zone is an area that is limited to industrial uses in rural areas. These types of industrial areas depend on natural resources. They are to preserve a current character or future character that could be redeveloped for mills or lumber processing, log yard industrial uses, or essential public facilities that serve areas such as the Ed Carlson Memorial Field and its aviation related uses. Puget Sound Energy's natural gas storage site and other sites similar to that is the intent of that zoning district. There may or may not be a compatibility issue with this use.

Chair Mahoney stated if the RAI is not included as a potential site then [marijuana processing] is restricted only to Small Town Industrial (STI) and is not allowed anywhere else in the county. Ms. Napier stated that was correct. Chair Mahoney thought that was a little more restrictive than the Commissioners intended. At least have the potential of some of the rural industrial areas where an industrial-type building would not be out of character.

Commissioner Prior stated his issue was what he perceived as an inconsistency between Table 1 and the proposed rule. Table 1 says "rural area land use – LAMIRDs" and he assumed that RAI was a sub-set of that, like STI. Apparently it is not. He only cares about consistency; he did not know how much land would be affected. His goal is not to include something that was to be excluded; he wants it to be consistent.

Chair Mahoney stated that the type of buildings that would go into any of these industrial areas, for production or processing, would seem at home there. He did not see a problem and thought RAI should be included.

Ms. Napier stated she understood the intent to include processing in the STI but the intent behind RAI was to have things like public industrial parks, such as the Curtis Industrial Park, the Ed Carlson Memorial Park. It appears to be a designation that is associated with public owned or publicly managed properties as opposed to privately managed properties, which is where STI uses would fall.

Chair Mahoney stated the ports are not in the County but it was that type of area that the Planning Commission was thinking about for these types of buildings, and they are quasi-governmental. Ms. Napier stated those properties do not fall in this district: Hampton, Weyerhaeuser, etc. are the types of uses that are currently located in an RAI zone.

Chair Mahoney asked if excluding the RAI zones would remove a lot of property from the mix. Ms. Napier stated it would not remove a lot of property but for consistency purposes it would be better to exclude it. She suggested striking Type 2 processing from RAI chapter of Lewis County Code.

Commissioner Guenther did not agree. He has said all along that this process should be in an industrial area. He said there would be control if marijuana was grown at the airport or at the mill. Commissioner Prior stated this was about Type 2 processing not producing. Ms. Napier stated she was not suggesting that marijuana production or Type 1 processing be excluded; just Type 2 processing. Commissioner Guenther stated he stands corrected.

Chair Mahoney stated number 3 under 17.75.037 would be struck. All of the Commissioners agreed.

Ms. Napier stated at the last meeting Commissioner Prior suggested an addition on page 6, item 11 "in addition to the buffer requirement in the WAC 314-55..." and she asked if it should also be added in 17.145.160(3) to be consistent. Commissioner Prior thought it should be added to (3) as well.

Chair Mahoney stated there was consensus to add that same language to 17.145.160(3).

Commissioner Prior stated page 5, 17.145.150(5) should read "security lighting" not "security and lighting." Also, the last line on that page should read "waste" not "waster."

Commissioner Prior spoke to the Group B water system. He stated he read the document that Ms. Napier presented last week and the Lewis County Code, Title 8. It says a Group B system must be permitted using either the WAC or Lewis County Code. He asked which it is or does it matter. Lewis County Code references the WAC but in order for it to be clear to people it needs to be clearer about who is requiring it. Does Lewis County take the lead on these permits? Ms. Napier stated yes, Lewis County does take the lead on Group B systems.

Commissioner Prior stated there is a lot required to becoming a Group B system. There are questions about whether or not someone needs to get a system design report or a source approval report. A source approval report might intimidate a grower; a system design report requires a professional engineer. What avenues are in place to streamline this process for people who are simply being required to have a Group B system because they have half a dozen employees? Commissioner Prior asked if these two reports are required. He thinks they are an onerous imposition.

Ms. Napier stated that part of why the county wanted to include it up front in Title 17 is because when an applicant turns in an application they will be subject to review and considerations by Environmental Health. Community Development has no control over whether or not they are under the provisions of Title 8. Ms. Napier wants to be as transparent as possible in code writing so when someone opens the code they understand all of the requirements. She may go over and above trying to describe things from other code in an effort to let people know what is ahead of them should they wish to pursue this.

Commissioner Prior stated it is dependent on Environmental Health to tell them whether or not a system design report is required. Ms. Napier stated it's the same if someone goes to the Hearings Examiner with an events facility, Environmental Health will have a role in the review of that application. Our current code is not very clear that there is a role in that. If they read the code they think they know

the expectations but when they come to a pre-submission meeting other things become apparent. Ms. Napier's emphasis has been in trying to let people know as soon as possible what all of the requirements are in development regulations.

Commissioner Prior stated Title 8 55.20.2(c) says these rules do not apply if the system does not sell water to the public or to any person. These people are not in the business of selling water so why are they required to have a Group B system? Ms. Napier stated because they have a commercial operation and it may be the number of employees who work there. It could be that they have a private system and they are now adding a commercial system on to their home or property. Commissioner Prior stated they have a private exempt well that is not a Group B system and now because they want to grow marijuana they are required to have a Group B system. Ms. Napier stated it is not just because they want to grow marijuana; it is because they want to do a commercial operation on their property. Their water source is now subject to other regulations. Commissioner Prior asked if there is a limit to the number of employees. If there is one employee is a public water system required? Ms. Napier stated she could not speak to that because she does not administer the Group B water systems. It is the change of use in a property – going from a single family residence to a commercial operation. The type of commercial operation or industrial operation then provides another level of review.

Commissioner Prior stated it doesn't matter if they have a commercial system; they are not selling water to any person. Ms. Napier stated they would have the option under that code to question whether or not they are subject to a Group B system, and that would be a decision for Environmental Health to make.

Chairman Mahoney stated that what the Planning Commission recommends tonight will go to the County Commissioners. They decide what to do. At the present time, Lewis County requires a business license to activate any of the marijuana operations. In order to get that business license, the applicant must demonstrate that the federal government is okay with it, and currently they are not. If the day comes when the federal government says marijuana is no longer restricted and the states can do what they want then some of what we are doing tonight will probably go into effect, depending on what the County Commissioners decide. This has no immediate effect on what happens in the county.

There is a letter of transmittal before the Planning Commission with exhibits. Before the transmittal is given to the County Commissioners Exhibit 4 will be edited to reflect changes discussed tonight.

Chairman Mahoney entertained a motion for him to sign the letter of transmittal. Commissioner Prior made the motion; Commissioner Myers seconded. The Chair called for a vote. Commissioner Rosbach asked if there was enough information, if everything is in place that needs to be in place. Chair Mahoney stated with the changes that were made tonight, that would be part of the packet. Exhibit 4 is the change to county ordinance that will go into effect when marijuana is accepted by the federal government.

Commissioner Prior stated in the January memo there are comments and recommendations. In comment 2, the recommendation is to amend Lewis County Code 17.145. He asked if he missed that in Item 3. Ms. Napier stated at the time of writing she had collected comments from an internal agency review group. She presented those to the Commissioners and asked if they would include those recommendations into their next code consideration. She believed she had addressed all of their

concerns in the code that is before the Commission. The only item she did not address is recommendation 5 because it had already been included. After the last meeting the code was revised, the new language was underlined. It is not as detailed; it was the rationalization to support the language that would be added in the code.

Chairman Mahoney stated Exhibit 4 is what is being recommended to the County Commissioners. The rest is support material. He called for the question.

Commissioner Guenther stated the burden is being placed on the taxpayers of Lewis County; 55% of the people in Lewis County voted to not legalize marijuana; he has not heard from many people who are against marijuana in this county; and he has heard from the Sheriff that it will cost extra to police marijuana in the county. He voted against.

Commissioner Tausch abstained. He thought he had missed too many meetings to be qualified to vote.

Commissioner Rosbach voted no. She believed marijuana needs a more contained area. With respect to what the Sheriff's department is telling us, there is not enough control.

Commissioner Prior stated it has been made clear that the Planning Commission is not voting whether or not to legalize marijuana in Lewis County. It is trying to plan ahead for a couple of things: the BOCC votes to remove the moratorium; some State Supreme Court decision is made to force counties into accepting state law. The Federal Government allows it. We are putting into place what we believe to be appropriate land use decisions for Lewis County. He believed the Commissioners had done that. He voted yes.

Commissioner Myers voted yes. Chair Mahoney stated the votes were two for, two against and one abstention. He voted yes to break the tie. The Letter of Transmittal would go to the Board of County Commissioners. He stated the BOCC would hold hearings and he encouraged everyone to attend and express their desires. He also stated he appreciated the participation by the Planning Commissioners throughout the process.

6. Calendar

Chair Mahoney received a letter from the Lewis County Assessor to the Public Benefit Rating System committee announcing the committee meeting on February 11. There are four applications for open space classifications. Chair Mahoney asked Commissioner Myers to take his place on the committee and she agreed.

Commissioner Rosbach thought there might be a conflict of interest because she is on the open space advisory board. Chair Mahoney did not think that would be a conflict.

The next meeting will be on February 24 which will include a workshop on the open space applications and an update on the Shoreline Master Program (SMP).

Ms. Napier stated comments on the SMP are due from the advisory committee on February 27. At that time the next draft of the SMP will be released and Ms. Napier will get feedback from Commissioners Prior and Mahoney, who were on the committee, to share with the Planning Commissioners. On March

10 the consultant from AHBL will be at the meeting to present the SMP update. On March 24 there will be a public hearing on the open space applications and a workshop on the SMP.

7. Good of the Order

Sheriff Snaza thanked the Commissioners for their efforts in the difficult issue. The decisions made were tough and he supported each decision. The Sheriff's office will work with the Board of County Commissioners in whatever decision it makes. He appreciated the public for coming to the meetings – they have a vested interest; they are local people and they have their own interests and he thanked them as well. If this goes forward there will be partnerships and we will work together for situations that come our way.

Mr. Gabe Koth also thanked the Commissioners for doing what they did. Not everyone can be pleased. He specifically thanked Commissioner Prior for continuing to put the effort into reading and pointing out the inconsistencies in the fine print.

8. Adjourn

The meeting adjourned at 6:52 p.m.